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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

vs.

HENRY T. NICHOLAS III, HENRY
SAMUELI, WILLIAM J. RUEHLE,
and DAVID DULL,

Defendants.

Case No. SACV 08-0539 CJC (RNBx)

**NOTICE OF INTENT NOT TO
PROCEED FURTHER IN THIS
ACTION**

1 Plaintiff Securities and Exchange Commission (“Commission”) files this
2 Notice of Intent Not to Proceed Further in this Action. After careful consideration
3 of the Court’s sua sponte dismissal of the Commission’s Complaint on December
4 15, 2009, and the Court’s comments during the January 28, 2010 hearing, the
5 Commission does not intend to proceed further in this action.

6

7 DATED: February 4, 2010

/s/ Molly M. White
MOLLY M. WHITE
JUNLING MA
9 Attorneys for Plaintiff
Securities and Exchange Commission

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PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

- [X] U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On February 4, 2010, I served the following document entitled **NOTICE OF INTENT NOT TO PROCEED FURTHER IN THIS ACTION** on all the parties to this action addressed as stated on the attached service list:

- [X] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

[] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

[] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

[] **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

[] **FEDERAL EXPRESS:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

[] **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

[] **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

[X] **(Federal)** I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct.

Date: February 4, 2010

Magnolia M. Marcelo
MAGNOLIA M. MARCELO

SEC v. HENRY T. NICHOLAS III, et al.
United States District Court – Central District of California
Case No. SACV08-539 CJC (RNBx)
(LA-3232)

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